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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,695	09/22/2003	Ramani Mani	125643-1	5199

6147 7590 11/28/2007

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT	PAPER NUMBER
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3746

NOTIFICATION DATE	DELIVERY MODE
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11/28/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/664,695

Applicant(s)

MANI ET AL.

Examiner

William H. Rodriguez/

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-26 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-26 and 28-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the request for reconsideration filed on 10/08/2007. Since the examiner has formally incorporated the prior art references previously cited only for applicant's consideration (see conclusion section of the Non-Final rejection of 06/07/2007), this office action is being made non-final to afford the applicant the opportunity to respond to the previously presented informal rejections.

Response to Arguments

1. Applicant's arguments filed 10/08/2007 have been fully considered but they are not persuasive because the claims as written lack a frame of reference that would allow applicant's upstream/downstream definition to be distinguished from Howell's. Further, the operation of Howell's apparatus is not affected at all if the downstream region was to be called an upstream region and vice versa (see example below). Therefore, Howell is considered to anticipate the claims as written.

2. For instance, in the instant application applicant acting as his own lexicographer has called element 27 an inlet fan duct outer wall while the standard term for said element would be an inlet fan duct inner wall (with respect to the central axis of the engine). Nevertheless, the operation of applicant's engine would not be affected by calling the inner wall an outer wall, it would just confuse the reader because the drawings show the opening in the inner wall of the fan duct while the claims state that the openings are on the outer wall.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 19-26 and 28-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term “an inlet fan duct outer wall” in claims 19 and 28 are used by the claim to mean “an inlet fan duct inner wall”. The term is indefinite because the specification does not clearly redefine the term. Therefore, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

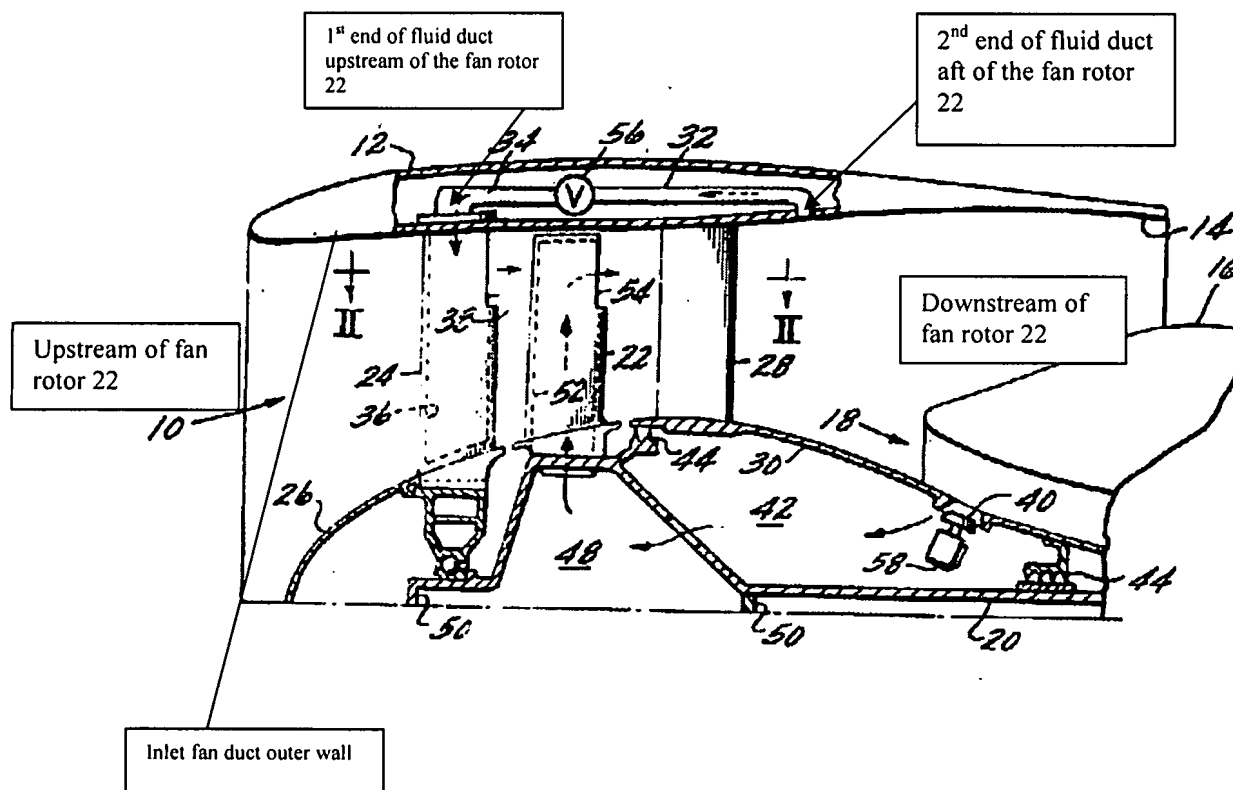
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 19, 21-26, 28 and 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Howell (US 3,735,593).

8. Howell teaches (see marked-up figure in previous office action) an apparatus comprising: a nacelle 3, an acoustic liner 18, a fluid duct 13 having a first end with an opening being disposed upstream of a fan rotor 1 and a second end with an opening disposed aft of said fan rotor 1, said fluid duct said first slot and said second slot being circumferential as indicated by the presence of the centerline on the bottom of figure 1, the cross sectional area of the second

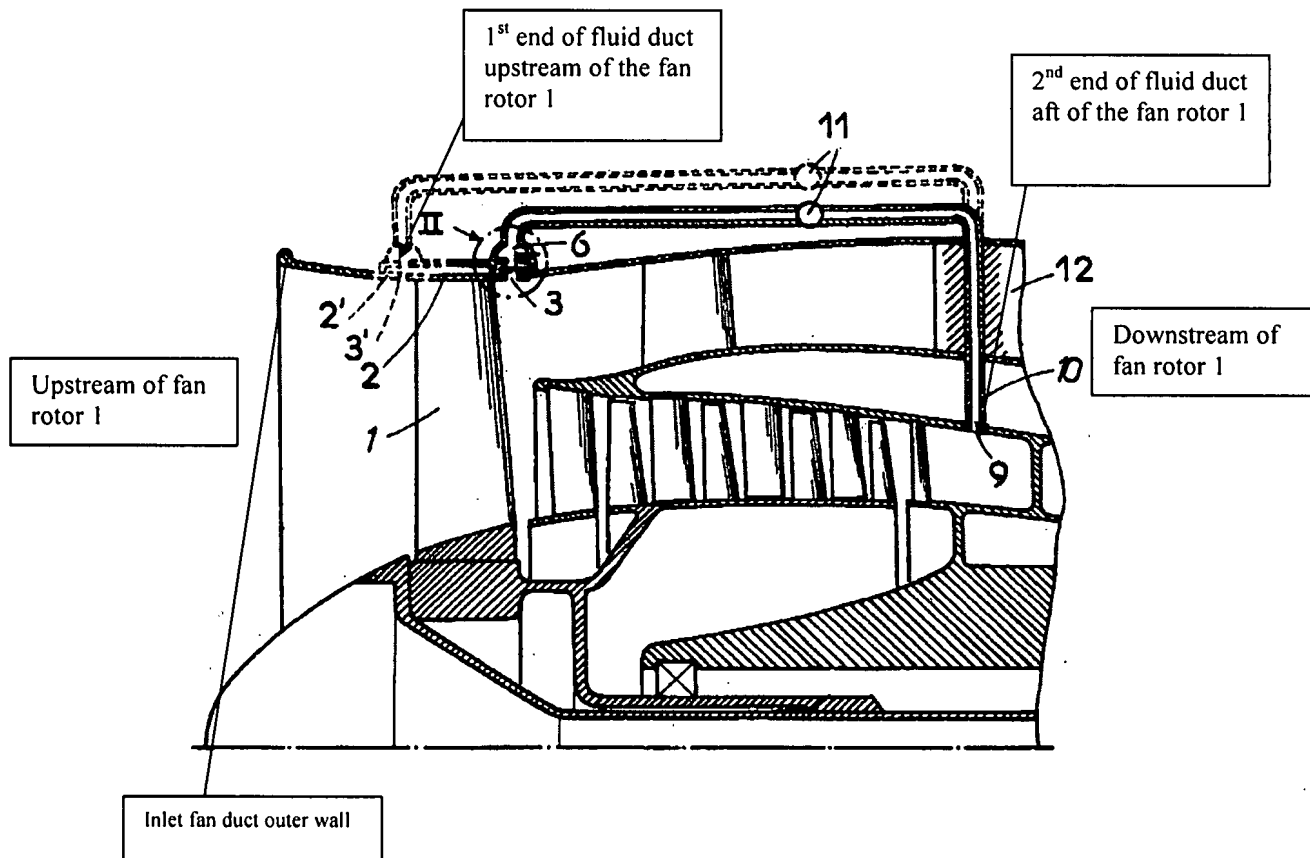
10. McBride teaches (see figure below) an apparatus comprising: a nacelle, an acoustic liner, a fluid duct (32, 34) having a first end with an opening being disposed upstream of a fan rotor 22 and a second end with an opening disposed aft of said fan rotor, the fluid duct and the first opening and said second opening being circumferential (as indicated by the presence of the centerline on the bottom of figure 1), said fluid duct is substantially disposed within the nacelle.



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11. Claims 19 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Raffy (US 4,199,295).

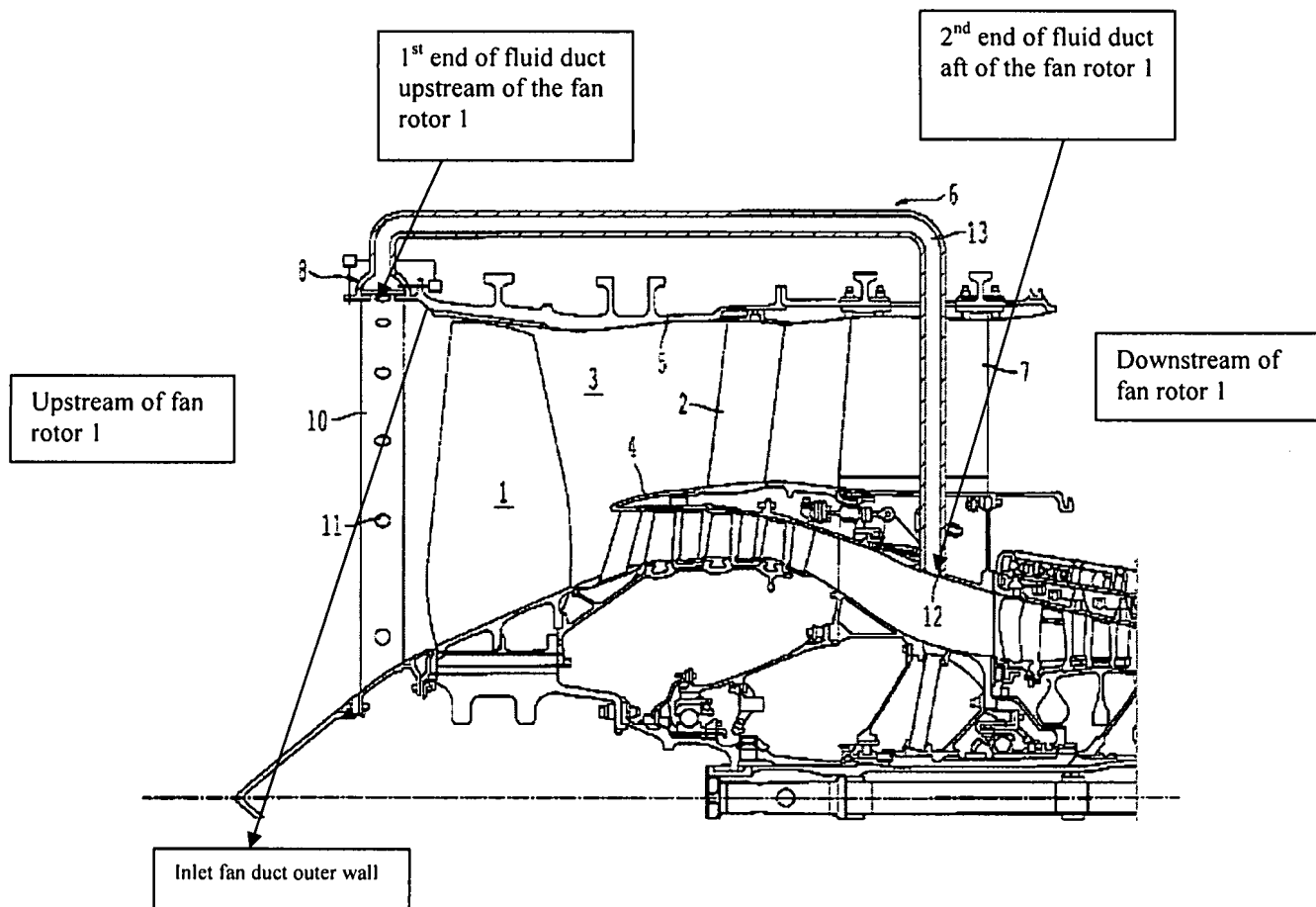
12. Raffy teaches (see figure below) an apparatus comprising: a nacelle, an acoustic liner, a fluid duct 10 having a first end with an opening being disposed upstream of a fan rotor 1 and a second end with an opening disposed aft of said fan rotor, the fluid duct and the first opening and said second opening being circumferential (as indicated by the presence of the centerline on the bottom of figure 1), said fluid duct is substantially disposed within the nacelle.



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13. Claims 19 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Antoine (US 6,546,734).

14. Antoine teaches (see figure below) an apparatus comprising: a nacelle, an acoustic liner, a fluid duct 13 having a first end with an opening being disposed upstream of a fan rotor 1 and a second end with an opening disposed aft of said fan rotor, the fluid duct and the first opening and said second opening being circumferential (as indicated by the presence of the centerline on the bottom of figure 1), said fluid duct is substantially disposed within the nacelle.



Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell (US 3,735,593).

17. Regarding the claimed limitations “said fluid duct is of sufficient dimension”, to the extent that the claimed invention produces the claimed desired results, the applied prior art structure being the same, does the same. In addition, it has been held that “[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.” In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955), MPEP 2144.05 II. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined the optimum sized of the duct in order to achieve the highest efficiency of the engine.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodríguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Rodríguez/
Primary Examiner
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